

1 would have never played a part in the campaign.

2 But what he did was, before he even got to  
3 that, he said, "Well, you know, I can put you in the  
4 Escambia County Jail. Are you afraid? We can put  
5 you in protective custody in the Escambia County  
6 Jail." And he did that to both of them  
7 individually.

8 And the woman said, "We're on the run now.  
9 We can keep doing it."

10 MR. NACHWALTER: Mr. Kinsey, can I ask you  
11 a question?

12 MR. KINSEY: Sure.

13 MR. NACHWALTER: First of all, I'm not a  
14 criminal defense lawyer. Okay. Second of all, my  
15 daughter was a prosecutor.

16 MR. KINSEY: Okay.

17 MR. NACHWALTER: But I don't do criminal  
18 work. I think the point of these charges is not  
19 whether Judge Green was a good guy or a bad guy,  
20 doing a good job or a bad job. The point of this, I  
21 think, of these charges, is whether or not in the  
22 campaign improper statements were made in connection  
23 with the campaign.

24 So a debate as to whether or not Judge  
25 Green was a bad judge doing a bad job is not the

1 point of any of this, or should have been replaced,  
2 or that your wife would do a much better job.  
3 That's not the point of any of this. The point of  
4 this is whether or not a campaign for judge was  
5 conducted improperly. And I think that's the focus,  
6 at least from my perspective, of what these charges  
7 are.

8 MR. KINSEY: And we realize that.

9 MR. NACHWALTER: Now, you have, for  
10 example -- let me give you an example -- a pending  
11 case in front of a sitting judge, and you get into a  
12 debate about what the judge does in that case that  
13 is pending. What is he supposed to do back? He's  
14 got a case that's pending in front of him. And  
15 you're running a campaign. And a judge's campaign  
16 is not like a regular campaign.

17 He's got a case that's pending in front of  
18 him. He makes a ruling; he does something in that  
19 case. You're running for judge, and you think what  
20 he did was wrong, blah, blah, blah. What's he  
21 supposed to do when you get into that? He can't  
22 start debating the merits of that case back with you  
23 while he's got that case in front of him, can he?

24 MR. KINSEY: Well, first of all, none of  
25 these cases were in front of Judge Green at that

1 time, at the time of the campaign.

2 MR. NACHWALTER: Well, I thought that the  
3 second charge is pending cases of two criminal  
4 defendants, Johnson and Alsdorph. Were those not  
5 pending cases?

6 MR. KINSEY: They were pending cases, but  
7 not in front of Judge Green.

8 MR. NACHWALTER: Okay. Well, should you  
9 be debating pending cases in front of anybody?

10 MR. KINSEY: Yes.

11 MR. NACHWALTER: And what happens if you  
12 become a judge and get that case?

13 MR. KINSEY: You disqualify yourself.

14 MR. NACHWALTER: Do you think that a  
15 judge's campaign is the same as a presidential  
16 campaign; that, you know, it's all held --

17 MR. KINSEY: No.

18 THE CHAIR: No holds barred?

19 MR. NACHWALTER: -- no holds barred?

20 MR. KINSEY: No.

21 MR. NACHWALTER: Or do you think there are  
22 some restrictions?

23 MR. KINSEY: There are definitely some  
24 restrictions.

25 MR. NACHWALTER: What restrictions?

1     What's fair comment, and what's not?

2                 MR. KINSEY: Well, for one thing, you  
3     can't comment on someone's political affiliation.  
4     You can't comment upon things they had an obligation  
5     to do, such as Judge Terrell defending people while  
6     he was an assistant public defender.

7                 MR. NACHWALTER: You think the -- I wrote  
8     down what you said about the law enforcement: "We  
9     had support of law enforcement for the most part."

10                MR. KINSEY: No, not for the most part;  
11     entirely, as best we could tell.

12                MR. MACHWALTER: You don't think there was  
13     a police officer anywhere in Pinellas County that  
14     might have supported Judge Green?

15                MR. KINSEY: Well, in Pinellas County,  
16     maybe, yes. In Escambia County --

17                MR. NACHWALTER: I'm sorry. Escambia  
18     County.

19                MR. KINSEY: In Escambia County we  
20     couldn't find one. But as far as brochures are  
21     concerned, it's obvious from reading the brochures  
22     that what it's referring to is the endorsements from  
23     the Police Benevolent Association and both lodges of  
24     the Fraternal Order of Police.

25                Had there been a law enforcement officer

1 that supported Judge Green, Judge Green would have  
2 put him up.

3 THE CHAIR: I wanted to ask --

4 MR. MACDONALD: I'm sorry. I didn't hear  
5 that.

6 MR. KINSEY: If there had been a law  
7 enforcement officer that supported Judge Green, I  
8 think Judge Green would have put him up.

9 THE CHAIR: I wonder if I could I  
10 ask Judge Kinsey some questions?

11 MR. KINSEY: Sure.

12 THE CHAIR: Would that be  
13 appropriate?

14 MR. KINSEY: Certainly.

15 THE CHAIR: Judge Kinsey, there are  
16 a couple of comments in this radio program that I  
17 wanted to inquire about where I presumed that this  
18 transcript is accurate, so let me know if it isn't.

19 MR. KINSEY: Well, we -- and I don't mean  
20 to butt in. We don't know that, because we don't  
21 have a tape of the program, and we don't know who  
22 prepared the transcript.

23 THE CHAIR: Oh, okay. Well, this  
24 comment is made by Judge Kinsey, according to this  
25 transcript, with regard to a comment on the sheriff

1 putting up tents. Do you recall that conversation,  
2 Judge Kinsey?

3 JUDGE KINSEY: I do.

4 THE CHAIR: Apparently Judge Green  
5 was called on to answer that question, and he said  
6 something to the effect of the federal courts don't  
7 allow you to use cots and what have you. And you  
8 raised the issue that "We're not giving Jim Lowman a  
9 chance to do his job." I presume that's the  
10 sheriff?

11 JUDGE KINSEY: That's our sheriff.

12 THE CHAIR: Okay. Judge Green had  
13 indicated that it was not his call; that judges had  
14 no -- county judges could not say you could put  
15 people in tents, you couldn't put people in tents.  
16 And the implication, from what I gather from this  
17 comment, is that you feel that it would be okay to  
18 comment on this from your perspective and that the  
19 implication was that you had authority or something  
20 to do with the cots and the sheriff using the cots  
21 for the criminals, which, as far I know, is not the  
22 case.

23 JUDGE KINSEY: I don't know why you get  
24 that impression from what happened.

25 THE CHAIR: Well, let me read you

1     what your response was.

2                 JUDGE KINSEY:   Okay.

3                 THE CHAIR:   "And we're not giving  
4     Jim Lowman a chance to do his job.  And that's what  
5     we've got to do, we've got to stop letting these  
6     violent criminals out on the street.  We've got to  
7     show them we mean business.  We have empty beds in  
8     Escambia County.  We are renting out beds to the  
9     feds.  They can go elsewhere; we can pick up extra  
10    beds.  But, most of all, we don't have to coddle  
11    these criminals with their air conditioned rooms.  
12    Now, I'm not going to accept the fact that if other  
13    states can do this, we cannot.  If it's a federal  
14    mandate, it's a federal mandate for everyone, and we  
15    can deal with that.

16                "I very much take exception to the fact  
17    that Mr. Green says he's not a liberal.  He very  
18    definitely is, and his record will show that."  And  
19    then you go into the law enforcement.

20                And it seemed as though you were  
21    commenting on the fact that the sheriff, I guess,  
22    couldn't use cots pursuant to some federal mandate.

23                JUDGE KINSEY:  No.  The discussion that we  
24    were having had to do with whether or not a judge  
25    should take into consideration, in sentencing

1 someone or making a bond decision, whether or not  
2 there are enough beds at the jail. And my comment  
3 was that it's not my job to worry about whether  
4 there are beds at the jail; my job is to do the  
5 right thing and to treat each individual who comes  
6 before me on his own or her own merits.

7 Judge Green's position was: "My job is to  
8 call the jail every morning before I go into first  
9 appearances, find out how many beds there are, and  
10 make my decision based on how many beds there are."

11 My point was: "Let's let the sheriff do  
12 his job, let us do our job, and everything will work  
13 out. If we don't give him" -- "him" being Sheriff  
14 Lowman -- "the opportunity to do his job, then we'll  
15 never know. And that was the whole gist of that  
16 conversation."

17 THE CHAIR: Well, you also talked  
18 about the pity committee.

19 JUDGE KINSEY: Yes.

20 THE CHAIR: And, of course, Judge  
21 Green also had made reference to the pity committee.  
22 And it was my understanding that that was part of  
23 the discussion that went on.

24 JUDGE KINSEY: It is.

25 THE CHAIR: And the pity committee,